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November 18, 2023

VIA ECF

Judge Nusrat J. Choudhury
United States District Court
Eastern District of New York
100 Federal Plaza, Courtroom 1040
Central Islip, NY 11722

Re: *Shelly Fisher v. Valley Stream Central High School District, et al.*
Case No.: 23 cv 3449 (JMA)(AYS)

Dear Judge Choudhury:

I represent plaintiff Shelly Fisher in the above matter. Please accept this letter as plaintiff's motion, pursuant to Local Civil Rule 1.4, for the undersigned to be relieved as counsel, and for a stay of sixty (60) days to allow plaintiff to retain new counsel. This relief is being jointly requested by the undersigned and by plaintiff Shelly Fisher. Defendants' counsel consents to the relief requested herein.

We are aware that pursuant to provision 3.1 of your Individual Practice Rules of Practice, motions to withdraw as counsel are to be referred to the Magistrate Judge. We nonetheless considered that because Your Honor's Order of September 3, 2024, held that "[t]here shall be no further extensions" of discovery deadlines, Magistrate Judge Shields cannot grant the requested stay and the instant application must be made before the District Court.

Plaintiff and I have irreconcilable differences concerning the prosecution of the instant matter. We have had many arguments over the last few months, and generally disagreed about discovery, motion practice, and correspondence with the Court. We have now reached an impasse regarding a letter plaintiff has asked me to file concerning ongoing disputes with opposing counsel. I cannot go into detail in this application about the specifics of our dispute due to concerns about attorney-client privilege and the sensitive nature of the issues other than to state that I believe the steps plaintiff wants to take are unwise, will weaken her case, and, in my opinion, raise concerns about ethics.¹ If Your Honor would like more details about my disagreement with plaintiff, we respectfully request that such details be provided *in camera*.

Plaintiff has indicated that she would like to find new counsel, and I agree with her decision. Our communications have become increasingly strained and we disagree about many important aspects of the case. I believe that under these circumstances, plaintiff would be best served with a different lawyer. Moreover, I respectfully submit that this change should be made before depositions are held. Depositions of plaintiff, the three individual defendants, and up to three non-party witnesses are currently scheduled for December. It is certainly not too late for a change in counsel, as discovery is ongoing and plaintiff's motion to dismiss (ECF Doc. Nos. 30 through 30-8), which was fully briefed and submitted on March 29, 2024, has not yet been decided.

¹ Plaintiff disagrees with the undersigned's opinion that her instructions raised ethical concerns.

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Please be advised that I will waive my unpaid legal fees and will not place a lien against plaintiff's recovery so that plaintiff will have no obstacles in retaining new counsel.

Thank you for your time and consideration.

Very truly yours,

/s/ Brian L. Greben

Brian L. Greben